

STATE OF NEW YORK

9247

2025-2026 Regular Sessions

IN ASSEMBLY

November 7, 2025

Introduced by M. of A. DiPIETRO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting the release of personal medical records or information without a warrant or express written authorization of the individual

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 400.00 of the penal law, as
2 amended by chapter 371 of the laws of 2022, is amended to read as
3 follows:
4 4. Investigation. Before a license is issued or renewed, there shall
5 be an investigation of all statements required in the application by the
6 duly constituted police authorities of the locality where such applica-
7 tion is made, including but not limited to such records as may be acces-
8 sible to the division of state police or division of criminal justice
9 services pursuant to section 400.02 of this article. For that purpose,
10 the records of the appropriate office of the department of mental
11 hygiene concerning previous or present mental illness of the applicant
12 shall be available for inspection by the investigating officer of the
13 police authority. Where the applicant is domiciled in a foreign state,
14 the investigation shall include inquiry of the foreign state for records
15 concerning the previous or present mental illness of the applicant, and,
16 to the extent necessary for inspection by the investigating officer, the
17 applicant shall execute a waiver of confidentiality of such record in
18 such form as may be required by the foreign state. In order to ascertain
19 any previous criminal record, the investigating officer shall take the
20 fingerprints and physical descriptive data in quadruplicate of each
21 individual by whom the application is signed and verified. Two copies of
22 such fingerprints shall be taken on standard fingerprint cards eight
23 inches square, and one copy may be taken on a card supplied for that
24 purpose by the federal bureau of investigation; provided, however, that

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 in the case of a corporate applicant that has already been issued a
2 dealer in firearms license and seeks to operate a firearm dealership at
3 a second or subsequent location, the original fingerprints on file may
4 be used to ascertain any criminal record in the second or subsequent
5 application unless any of the corporate officers have changed since the
6 prior application, in which case the new corporate officer shall comply
7 with procedures governing an initial application for such license. When
8 completed, one standard card shall be forwarded to and retained by the
9 division of criminal justice services in the executive department, at
10 Albany. A search of the files of such division and written notification
11 of the results of the search shall be forwarded to the investigating
12 officer and shall be made without unnecessary delay. Thereafter, such
13 division shall notify the licensing officer and the executive depart-
14 ment, division of state police, Albany, of any criminal record of the
15 applicant filed therein subsequent to the search of its files. A second
16 standard card, or the one supplied by the federal bureau of investi-
17 gation, as the case may be, shall be forwarded to that bureau at Wash-
18 ington with a request that the files of the bureau be searched and
19 notification of the results of the search be made to the investigating
20 police authority. Of the remaining two fingerprint cards, one shall be
21 filed with the executive department, division of state police, Albany,
22 within ten days after issuance of the license, and the other shall
23 remain on file with the investigating police authority. No such finger-
24 prints may be inspected by any person other than a peace officer, who is
25 acting pursuant to ~~[his or her]~~ their special duties, or a police offi-
26 cer, except on order of a judge or justice of a court of record either
27 upon notice to the licensee or without notice, as the judge or justice
28 may deem appropriate. Upon completion of the investigation, the police
29 authority shall report the results to the licensing officer without
30 unnecessary delay. Notwithstanding any other provision of law to the
31 contrary neither the state police, the division of criminal justice
32 services, nor any other law enforcement agency or employee thereof shall
33 be permitted to access personal medical records and other medical infor-
34 mation other than records required to be provided by the department of
35 mental hygiene without a properly issued warrant, or the express writ-
36 ten, notarized permission of the individual whose information is sought.

37 § 2. Section 400.02 of the penal law is amended by adding a new subdivi-
38 sion 3 to read as follows:

39 3. Notwithstanding any other provision of law to the contrary neither
40 the state police, the division of criminal justice services, nor any
41 other law enforcement agency or employee thereof shall be permitted to
42 access personal medical records and other medical information other than
43 records required to be provided by the department of mental hygiene
44 without a properly issued warrant, or the express written, notarized
45 permission of the individual whose information is sought.

46 § 3. Subdivision 3 of section 400.00 of the penal law is amended by
47 adding a new paragraph (c) to read as follows:

48 (c) (i) The application for a license to carry, possess, repair or
49 dispose of firearms, or the renewal thereof, pursuant to this section
50 shall not require the applicant to consent to the release of their
51 personal medical records and other medical information, other than
52 records required to be provided by the department of mental hygiene, as
53 a condition of receiving or retaining such license unless the investi-
54 gating agency has a reasonable belief that a medical issue exists which
55 would justify the denial of a license pursuant to this section.

1 (ii) The state police, the division of criminal justice services, and
2 any other law enforcement agency or employee thereof may request a
3 consent from individuals for the release of their personal medical
4 records or other medical information where such law enforcement agency
5 has a reasonable belief that a medical issue exists which would justify
6 the suspension or revocation of a license issued pursuant to this
7 section.

8 § 4. This act shall take effect immediately.